Section 102(e) Rejections:

The previous Action rejected claims 1-3, 5, 6, 16-18, 20, 21, 31-33, 35 and 36 under 35 U.S.C. § 102(e) as being anticipated by Carre (U.S. Patent 6,282,579). Applicants respectfully traverse this rejection for at least the following reasons.

Carre does not teach a gateway configured to deliver messages between managed objects and one or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager, as recited in claim 1. Carre pertains to address conversion between CORBA objects and OSI objects (Carre - col. 1, lines 9-19; col. 1, line 59 - col. 2, line 46). As noted at col. 5, lines 66-67, the conversion in Carre is for the address type, not the message format.

Furthermore, Carre teaches that the address conversion is performed according to the type of objects that are communicating. There is no ability in Carre for the managers to select the desired format. The sections cited by the Examiner (col. 5, lines 49-59 and col. 6, lines 30-35) refer to address-type conversion between CORBA objects and OSI objects (Carre -- col. 5, lines 66-67). There is absolutely no mention in Carre of managers being able to select the format for messages delivered by the gateway. The gateway in Carre is clearly not capable of allowing the managers to select a format. Instead, Carre teaches that the address-type must be specific to the object type. Therefore, Carre actually teaches away from allowing a manager application to select a format.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor*

Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons discussed above, Carre clearly does not teach the identical invention as claimed by Applicants.

Similar arguments apply in regard to independent claims 16 and 31.

Furthermore, in regard to claim 2, Carre does not teach that the gateway is configurable to deliver messages to a manager in a text format as selected by the manager. The Examiner refers to the teaching in Carre regarding converting from "full-distinguished name" to ASN.1 type. However, as is clearly explained in Carre at col. 1, lines 45-48, "full-distinguished name" is an address type, not a text message format. The description in Carre at col. 6, lines 22-26 and 30-35 pertains to address-type conversion, not message formats. Furthermore, this portion of Carre clearly does not describe a manager being able to select a text format for messages delivered from a gateway. Similar arguments apply in regard to claims 17 and 32.

Claims 1, 2, 4-11, 13-17, 19-26, 28-32, 34-41 and 43-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shank et al. (U.S. Patent 6,445,776) (hereinafter "Shank"). Applicants respectfully traverse this rejection for at least the following reasons.

Shank does not teach a network management system comprising a gateway configured to deliver messages between managed objects and one or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager, as recited in claim 1. Instead, as illustrated in Fig. 1 Shank, pertains to providing telephony and media services from a server 110 to an application 140 (Shank -- col. 1, lines 13-18). According to Shank, the server may include various service interfaces, such as telephony services 210, media services 220 and basic services 230. Shank's system provides a CORBA ORB 260 for communicating with these interfaces (col. 3, line 31 - col. 4, line 13). As described in Shank, the service interfaces (such as telephony services 210 and media services 220) allow application 140 to interact with services such as telephone

services provided on telephone network 105 and media services provided by various hardware components (col. 7, lines 15-28).

Contrary to the Examiner's assertions, the service interfaces 210, 220 and 230 of Shank's server 110, do not provide a gateway configured to deliver messages between managed objects and one or more managers through a platform-independent interface, wherein the gateway is configurable to deliver the messages for each manager in a format selected by that manager. Nor do any of Shank's service interfaces teach a manager for managing managed objects and sending. As discussed above, Shank's interfaces 210, 220, 230 provide service interfaces for an application 140. They do not deliver messages between managed objects and one or more managers. Contrary to the Examiner's assertion, telephony service interface 210 is not a manager for managed objects. Telephony service interface 210 (including 212-216) is clearly described in Shank as providing an interface for application 140 to access services on telephony network 105. Interfaces 210-216 have nothing to do with managing managed objects on a managed network. The concept of managers and managed objects is well understood in the art of managed networks. Managers and managed objects have a well-known relationship in managed networks. Shank does not pertain to interactions between managers and managed objects as these entities are understood in the art. Instead, Shank only discusses the client-server interactions between application 140 and server 110. In other words, Shank only discuss providing telephony and media services through a server to a client application. Shank does not discuss managing managed network objects.

Furthermore, Shank clearly does not teach a gateway that is configurable to deliver the messages for each manager in a format selected by that manager. The Examiner refers to col. 5, lines 39-50 and col. 17, lines 26-37. However, these portions of Shank give examples of media and telephony services that Shank's interfaces 220 and 210 allow application 140 to access. This portion of Shank has nothing to do with message formats, let alone delivering a message in a format selected by a manager. Applicants' fail to see any relevance in the portions of Shank cited by the Examiner. The Player, Recognizer, etc. discussed in Shank are media services, not managers for

managed objects in a managed network. Moreover, there is clearly no teaching in Shank that these services select a format in which to receive messages delivered by a gateway.

Furthermore, in regard to claim 2, Shank does not teach that the gateway is configurable to deliver messages to a manager in a text format as selected by the manager. The text-to-speech and fax services referred to by the Examiner are services accessed by application 140. For example, the text-to-speech service converts text data supplied by application 140 into speech. "Text-to-speech: in Shank refers to the high level function performed by the service, not an inter-object message format used for communicating with the service. The text-to-speech service is not used to select a message format for communicating between a manager and a managed object. Shank clearly does not describe a manager being able to select a text format for messages delivered from a gateway. Similar arguments apply in regard to claims 17 and 32.

Moreover, in regard to claim 10, Shank does not teach that the gateway comprises a request gateway which is configured to deliver messages generated by the one or more managers to the one or more managed objects, wherein the messages comprise a query for information concerning one of the managed objects. The portions of Shank cited by the Examiner refer to application 140 invoking functions of the telephony and media services. These teaching have nothing to do with a query for information concerning a managed object. The concepts of managers and managed objects are well understood in the art of managed networks. Managers and managed objects have a well-known relationship in managed networks. Shank does not pertain to interactions between managers and managed objects as these entities are understood in the art. Instead, Shank only discuss the client-server interactions between application 140 and server 110. In other words, Shank only discuss providing telephony and media services through a server to a client application. Shank does not discuss managing managed network objects. A similar argument applies in regard to claims 25 and 40

Similarly, in regard to claims 11, 26 and 41, Shank does not teach that the gateway comprises a request gateway which is configured to deliver messages generated

by the one or more managers to the one or more managed objects, wherein the messages comprise a command to set one or more parameters of one of the managed objects. The parameters referred to in Shank at col. 17, lines 53-66, are parameters for the play function of the media service, not parameters set for a managed object by a command from a manager.

In regard to claims 13, 28 and 43, Shank does not teach that the requests are converted from the interface definition language to a platform-specific format prior to delivery to the managed objects. The Examiner refers to col. 5, lines 39-50, of Shank. This portion of Shank discusses examples of media and telephony services. This portion of Shank teaches nothing about converting requests from the interface definition language to a platform-specific format prior to delivery to the managed objects.

In light of the above remarks, Applicants assert that the Examiner's rejections under § 102 are not supported by the cited art, and should thus be withdrawn.

Section 103(a) Rejection:

The Office Action rejected claims 3, 12, 18, 27, 33 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Shank as applied to claims 1-2, 4-11, 13-17 19-26, 28-32, 34-41 and 43-45 above. Applicants respectfully traverse this limitation for at least the following reasons.

Claims 3, 12, 18, 27, 33 and 42 are distinguishable over the cited art for at least the reasons given above in regard to the claims from which they depend. Furthermore, the Examiner has not established a proper *prima facie* case of obviousness in regard to these claims. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so in the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); M.P.E.P. 2143.01. The question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 488 (Fed. Cir. 1984). Merely stating that individual aspects of a claimed invention are well known does not render the combination well known without some objective reason to combine the individual teachings. *Ex parte Levengood*, 28 USPQ2d 1300. The Examiner has not provided any prior art reference or specific finding that provides a motivation to use ASN.1 in Shank in a way that would obviate claim 3. Nor has the Examiner provided any prior art reference or specific finding that provides a motivation to modify Shank to convert requests from the interface definition language to a PMI format prior to delivery to the managed objects, as recited in claim 12. The Examiner only stated that such modifications would be obvious "for fulfilling the system requirements." However, there are no system requirements taught in Shank that would require or even suggest selecting ASN.1 as a message format. Nor are there in requirements taught in Shank that would require or even suggest converting requests from the interface definition language to a PMI format prior to delivery to the managed objects.

The Examiner's section 103(a) rejection amounts to nothing more than pure conclusory speculation by the Examiner. Mere speculation is not sufficient to support a *prima facie* case of obviousness. M.P.E.P. 2142; s*ee also, In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967); *In re Sporck*, 301 F.2d 686, 690, 133 USPQ 360, 364 (CCPA 1962). "The factual inquiry whether to combine references must be thorough and searching." *McGinley v. Franklin Sports, Inc.*, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). It must be based on objective evidence of record. "This precedent has been reinforced in myriad decisions, and cannot be dispensed with." *In re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002). "The need for specificity pervades this authority." *Id.* "Particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). Applicants assert that the Examiner has not satisfied the rigorous tests for properly modifying a prior art reference to establish obviousness. Instead, as discussed above, the Examiner's

reasoning is not supported by the teachings of the references, lacks specificity, and is based in hindsight.

In light of the above remarks, Applicants assert that the Examiner's rejections under § 103(a) are not supported by the cited art, and should thus be withdrawn.

CONCLUSION

Applicants submit the application is in condition for allowance, and early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-61100/RCK.

Respectfully submitted,

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